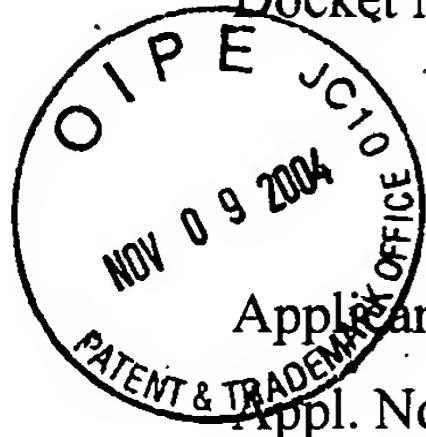


11-12-04

PATENT1642
JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Reed, John C., et al.

Customer No.: 41552

Appl. No. : 10/057,813

Confirmation No.: 4255

Filed : January 24, 2002

Title : NOVEL SURVIVIN-BINDING
PROTEINS, ENCODING NUCLEIC
ACIDS, AND METHODS OF USE

Grp./A.U. : 1642

Examiner: : Davis, Minh Tam B.

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

"Express Mail" Mailing Label Number EV 494 142 054 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov 9, 2004.

Jose R. Lopez, Jr.
Jose R. Lopez, Jr.

TRANSMITTAL

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

Applicant is entitled to small entity status under 37 CFR 1.27
 Also attached: Petition for Extension of Time

The fee has been calculated as shown below:

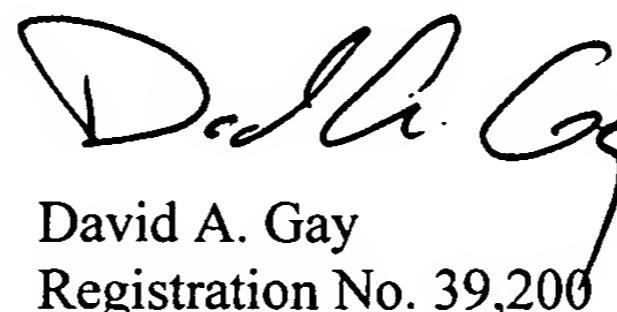
| | NO. OF CLAIMS | HIGHEST PREVIOUSLY PAID FOR | EXTRA CLAIMS | RATE | FEE |
|-----------------------------|---------------|-----------------------------|--------------|-----------|---------|
| Total Claims | 0 | 0 | 0 | \$9.00 = | \$0.00 |
| Independent Claims | 0 | 0 | 0 | \$44.00 = | \$0.00 |
| Fee for extension of time | | | | \$55.00 | |
| Total of Above Calculations | | | | | \$55.00 |

Please charge my Deposit Account No. 502624 in the amount of \$55.00. An additional copy of this transmittal sheet is submitted herewith.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 502624, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

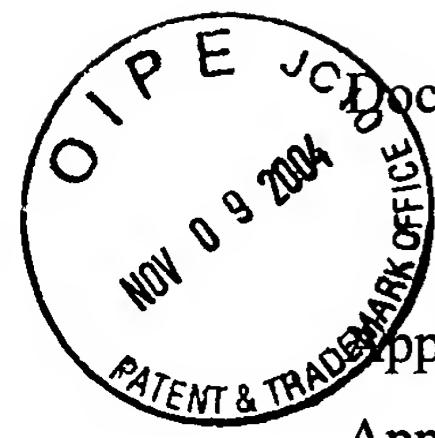


David A. Gay
Registration No. 39,200

**Please recognize our Customer No. 41552
as our correspondence address.**

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122
Phone: 858.535.9001 DAG:cec
Facsimile: 858.597.1585
Date: November 9, 2004

SDO 21470-1.066654.0705



Docket No.: 066654-0705

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Reed, John C., et al. Customer No.: 41552
Appl. No. : 10/057,813 Confirmation No.: 4255
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Jose R. Lopez, Jr.
Jose R. Lopez, Jr.

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the restriction requirement mailed September 9, 2004, Applicant respectfully requests consideration of the following remarks.

A complete listing of the Claims begins on page 2 of this paper.

Remarks begin on page 7 of this paper.